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Eugene R. Montalvo
Date: October 25, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
Zhiyi Zhang et al.)	
Serial No. 10/730,235)	Group Art Unit: 3672
Filed December 8, 2003)	Examiner: NA
COMBINED TELEMTRY SYSTEM AND METHOD)	October 25, 2004

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER RULE 1.78(a)(3)

The Applicant hereby requests consideration of this Petition Under Rule 1.78(a)(3).

The undersigned recently became aware that the old practice of being able to insert a cross reference to a prior U.S. application by requesting such in the patent application transmittal form was changed by the new amendment practice effective July 30, 2003. It was at this time that the undersigned reviewed this patent application and found out that the amendment to include the required cross reference to the provisional application serial number 60/431,360 had only been requested at the time of filing in the transmittal form. The undersigned states that this error to include a preliminary amendment along with the filing was unintentional and that the entire delay in submitting this amendment was unintentional. The Applicant requests that the amendment of the specification in the amendment filed concurrently herewith be accepted.

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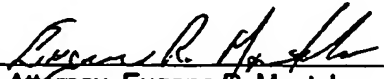
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AMDS/TH2389

The Applicant requests that the fee for filing this petition and any fee/surcharge required for late filing of the amendment to include the cross reference to the prior application be charged to Shell Oil Company Deposit Account 19-1800.

Respectfully submitted,

Zhiyi Zhang et al.

By 
Attorney, Eugene R. Montalvo
Registration No. 32,790
(713) 241-0296

P.O. Box 2463
Houston, TX 77252-2463